

**FOLEY LARDNER**  
ATTORNEYS AT LAW11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CALIFORNIA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEYLARDNER.COMRECEIVED  
CENTRAL FAX CENTER

OCT 09 2003

OFFICIAL

**FACSIMILE TRANSMISSION**Total # of Pages 14 (including this page)

TO:	PHONE #:	FAX #:
Art Group 1631 U.S. Patent and Trademark Office		(703) 872-9307

From :	Richard San Pietro
Email Address :	rsanpietro@foleylaw.com
Sender's Direct Dial :	858.847.6717
Date :	October 9, 2003
App. Serial Number :	09/372,474
Client/Matter No :	025098-0701
User ID No :	0079

**RESPONSE UNDER 37 C.F.R. § 1.116**  
**EXPEDITED PROCEDURE**  
**EXAMINING GROUP 1631**If there are any problems with this transmission or if you have not  
received all of the pages, please call (858) 847-6756.

Operator:	Time Sent:	Return Original To: Line S. Gauthier
-----------	------------	---

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 025098-0701

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: BAIRD et al.  
Title: DESIGN, SYNTHESIS AND USE  
OF SPECIFIC POLYAMIDE DNA-  
BINDING LIGANDS  
Appl. No.: 09/372,474  
Filing Date: 08/11/1999  
Examiner: A. Marschel  
Art Unit: 1631

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. (703.872.8307)  <u>Line Gauthier</u> (Printed Name) <u><i>Line Gauthier</i></u> (Signature)  <u>October 9, 2003</u> (Date of Deposit)
--

RECEIVED  
CENTRAL FAX CENTER

OCT 09 2003

OFFICIAL

TRANSMITTAL

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing in the above application are the following:

- 1) Notice of Appeal in Duplicate (4 pages); and
- 2) Amendment (8 pages).

The Commissioner is hereby authorized to charge the \$110.00 extension fee and any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Date: Oct. 9, 2003

FOLEY & LARDNER  
Customer Number: 30542

**30542**

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6700  
Facsimile: (858) 792-6773

Respectfully submitted,

By *Richard San Pietro*

Richard San Pietro  
Attorney for Applicant  
Registration No. 45,071

Atty. Dkt. No. 025098-0701

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: BAIRD et al.  
Title: DESIGN, SYNTHESIS AND USE  
OF SPECIFIC POLYAMIDE  
DNA-BINDING LIGANDS  
Appl. No.: 09/372,474  
Filing Date: 08/11/1999  
Examiner: A. Marschel  
Art Unit: 1631

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. (703.872.9307)  <u>Line Gauthier</u> (Printed Name) <u>Rene Gauthier</u> (Signature)  <u>October 9, 2003</u> (Date of Deposit)
---

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals from the decision of the final rejection dated July 9, 2003, and the Advisory Action dated , of the Examiner finally rejecting Claims 1, 38, and 42-45.

- ☒ [ X ] Applicant claims small entity status.
- ☐ [ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
- ☒ [ X ] Notice of Appeal Fee
- ☒ [ X ] To be paid as detailed below
- ☐ [ ] Not required (Fee paid in prior appeal)

Atty. Dkt. No. 025098-0701

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$330.00
<input type="checkbox"/>	Extension month:	\$0.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$330.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract 1/2 of above):	\$165.00
	TOTAL FEE:	\$165.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$165.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$165.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Date: Oct. 9, 2003

Respectfully submitted,

FOLEY & LARDNER

Customer Number: 30542



30542

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6700

Facsimile: (858) 792-6773

By

Richard San Pietro

Richard San Pietro  
Attorney for Applicant  
Registration No. 45,071